

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DASSAULT SYSTÈMES, S.A
A CORPORATION OF FRANCE,

Plaintiff,

Case No. 09-10534
Hon. Lawrence P. Zatkoff

v.

KEITH CHILDRESS
d/b/a PRACTICAL CATIA,

Defendant.

ORDER

This matter is before the Court on Defendant's Emergency Motion to Modify Existing Scheduling Order Dates [dkt 176]. Plaintiff agrees that the scheduling dates should be extended, but for a shorter period of time than Defendant requests and for varying reasons. This divergence, therefore, necessitated Plaintiff's response to the motion.

Federal Rule of Civil Procedure 16(b)(4) permits modification of a scheduling order only upon a showing of "good cause and with the judge's consent." The party—or in this case, parties—seeking amendment must show that "despite their diligence they could not meet the original deadline." *Leary v. Daeschner*, 349 F.3d 888, 907 (6th Cir. 2003) (citation omitted).

The Court concludes that neither party has satisfied Rule 16(b)(4)'s good cause requirement. This matter has been pending since February 12, 2009. Further extending this litigation—more than four years after the lawsuit commenced—would not serve the interests of judicial efficacy. Moreover, the Court afforded the parties more than ample time to conduct the necessary discovery in this case. Therefore, the current scheduling order dates shall remain fixed.

Accordingly, for the reasons stated above, IT IS HEREBY ORDERED that Defendant's Emergency Motion to Modify Existing Scheduling Order Dates [dkt 176] is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff
U.S. District Judge

Date: September 16, 2013